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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/626,178 | 07/24/2003 | Horst Surburg | 3968.088 |

Stephan A. Pendorf
 PENDORF & CUTLIFF
 5111 Memorial Highway
 Tampa, FL 33634-7356



CONFIRMATION NO. 3190

FORMALITIES LETTER



OC000000012764108

Date Mailed: 05/25/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

R. Wagner

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



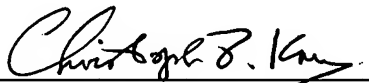
U.S. Application No.: 10/626,178
PETITION UNDER 37 CFR 1.53(e) (2)

Attorney Docket: 3968.088

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing PETITION UNDER 37 CFR 1.53(e)(2) for U.S. Application No. 10/626,178 filed July 24, 2003, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22313-1450, on this 26th day of July, 2004.

The Commissioner is hereby authorized to charge any additional fees that may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Christopher J. Kay



17858 U.S. PTO

10/626178



07/24/03

Atty Docket No.: 3968.088 Serial No.: _____ Filing Date: _____Applicant: Horst Surburg et al.Title/Mark: Rhinologically Active Substances

THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Appl'n for <u>Patent</u> PCT with: <u>Div 1.53(d)</u> | <input type="checkbox"/> | Appl'n for TM/SM with Drawing and _____ |
| <input type="checkbox"/> | _____ pg of specification | <input type="checkbox"/> | specimens of the mark |
| <input type="checkbox"/> | _____ pg of Claims | <input type="checkbox"/> | Appl'n for Copyright Registration and _____ |
| <input type="checkbox"/> | _____ pg of Drawings Informal/Formal | <input type="checkbox"/> | deposits. |
| <input type="checkbox"/> | _____ pg of Abstract | <input type="checkbox"/> | Request for _____ month Extension of Time |
| <input checked="" type="checkbox"/> | Power of Attorney | <input type="checkbox"/> | Base Issue Fee Forms |
| <input checked="" type="checkbox"/> | Inventor's Declaration <u>> Copy</u> | <input type="checkbox"/> | Status Inquiry |
| <input type="checkbox"/> | | <input checked="" type="checkbox"/> | <u>Copy of Patent Application (published)</u> |
| <input type="checkbox"/> | | <input checked="" type="checkbox"/> | <u>Change of Address form</u> |
| <input type="checkbox"/> | Information Disclosure Statement | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | Amendment <u>Preliminary</u> | <input type="checkbox"/> | |
| <input type="checkbox"/> | Assignment | <input checked="" type="checkbox"/> | Certificate of Mailing Date of <u>July 24, 2003</u> |
| <input type="checkbox"/> | Letter to Draftsman | <input checked="" type="checkbox"/> | Express Mail No.: <u>EV 330254948 US</u> |
| | _____ pg of Informal Drawings | | Check No.: <u>9110</u> \$ <u>750.00</u> |
| | _____ pg of Formal Drawings | | |

APPLICATION NO. 10/626,178
Re: Petition Under 37 CFR 1.53(e)(2)



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Horst SURBURG et al.

Application No.: 10/626,178

Filed: July 24, 2003

Conf. No.: 3190

For: RHINOLOGICALLY ACTIVE SUBSTANCES

Attorney Docket No.: 3968.088

Customer No.: 000041288

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Incomplete Non-Provisional Application Filed Under 37 CFR 1.53(b) dated May 25, 2004, a copy of which is attached hereto, setting a two (2) month period for response expiring on July 26, 2004 (July 25, 2004, falling on a Sunday), Applicants assert that a complete specification as prescribed by 35 U.S.C. § 112 was submitted on July 24, 2003, and that Applicants are therefore entitled to the filing date of July 24, 2003. In support, Applicants submit:

1. A Petition Under 37 C.F.R. § 1.53(e)(2), directed to the Office of Petitions, and including a copy of a filing postcard, which acknowledges receipt of a copy of the specification by the USPTO;

U.S. Application No.: 10/626,178

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

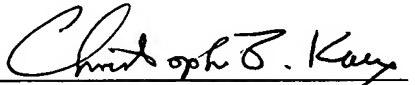
Attorney Docket: 3968.088

2. The required fee of \$130.00 under 37 C.F.R. § 1.17(h), in the form of an authorization to charge deposit account 16-0877, as set forth in the Petition; and
3. A courtesy copy of the previously filed specification in current USPTO format.

Acknowledgment of receipt of the above documents, and granting of the filing date of July 24, 2003, are respectfully requested.

Respectfully submitted,

PENDORF & CUTLIFF
5111 Memorial Highway
Tampa, Florida 33634-7356
(813) 886-6085



Christopher J. Kay
Registration No. 44,820

Date: July 26, 2004